IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 129 OF 2002.

M/s. Balraj Sud, a
registered partnership
with office at Chicalim,
Goa. ... Petitioners.

Versus

Union of India through
Chief Engineer, Cochin Zone,
represented by Commander Works
Engineer (p), Military
Engineering Services, Panaji. ... Respondent.

Mr. C. Mascarenhas, Advocate for the Petitioners.

Mr. V.P. Thali, Addl. Senior Central Government
Standing Counsel for the Respondent.

Coram: P.V. HARDAS, J.

Date: 11th July 2002.

ORAL JUDGMENT

This revision has been filed against the Order dated 15th February 2002, passed by the Civil Judge, Senior Division, Vasco da Gama in Civil Miscellaneous Application No. 114/2001/A. The aforesaid application was an application for amendment of the decree. The learned trial Court by a common order had decided Civil Miscellaneous Application No. 112/2001/A and the present application, by its Order dated 15th February 2002.

2. Mr. Mascarenhas, the learned counsel appearing for the petitioners, has justifiably urged that the Order impugned only deals with what was urged

in Civil Miscellaneous Application No. 112/2001/A. There has been no consideration whatsoever in respect of the application for amendment of the decree which was registered as Civil Miscellaneous Application No. 114/2001/A.

3. It is apparent that the learned trial Court in paragraph 1 has adverted to the filing of such an application, but, has not decided the said application on merits. The Order is, therefore, unsustainable and deserves to be quashed and set aside.

4. In the result, the Order impugned in this revision is quashed and set aside and the matter is remitted to the learned trial Court for decision of the Civil Miscellaneous Application No. 114/2001/A afresh. Civil Revision Application is, thus, allowed with no order as to costs.

(P.V. HARDAS)
JUDGE.

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